

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**IN THE MATTER OF APPLICATION SERIAL NO. 77/006,419
PUBLISHED IN THE OFFICIAL GAZETTE OF MAY 20, 2008**

FERRING B.V.,

Opposer,

V.

ALIMENTS MOPURE INC.,

Applicant

Opposition Proceeding No. _____

09/25/2008 SWILSON1 00000005 77006419

01 FC:6402

300.00 DP

NOTICE OF OPPOSITION

Opposer, Ferring B.V., a corporation organized under the laws of the Netherlands having an address of Polaris Avenue 144, 2132 JX Hoofddorp, The Netherlands, believes that it will be damaged by the registration of the mark MÖPURE in Class 5 as shown in Application No. 77/006,419 filed on September 25, 2006 and hereby opposes the application in Class 5.

As grounds for the opposition, it is alleged that:

1. Opposer, Ferring B.V., has for many years, offered for sale and sold in commerce and is now offering for sale and selling in commerce, a pharmaceutical product for the treatment of fertility under the trademark MENOPUR.
2. Opposer is the owner of Registration No. 2,989,995 for MENOPUR for a “pharmaceutical product for the treatment of fertility” in Class 5.
3. Opposer has U.S. trademark rights at least as early as its filing date of October 16, 2002 based on its use and reliance on Benelux Registration No. 0657329, which registered on December 23, 1999.



09-22-2008

4. Upon information and belief, the current owner of Trademark Application No. 77/006,419 is Aliments Mopure Inc., a Canadian corporation having an address of 2040, Onésime-Gagnon, Montreal, QC H8T 3M8, Canada.

5. Applicant has applied in Trademark Application No. 77/006,419 to register the mark MÖPURE for a variety of goods including "dietary and nutritional supplements, namely, antler velvet; vitamins and minerals supplements and nutritional supplements derived from extracted elk antler velvet in the form of capsules, tablets, liquids and powder; dietary, nutritional and vitamin supplements in gelatin capsules made from maple syrup extracts" in Class 5.

6. Applicant filed Trademark Application No. 77/006,419 based on a Canadian trademark registration. Applicant's use date is not earlier than its filing date of September 5, 2006.

7. On information and belief, the Applicant has not actually used the MÖPURE mark in commerce prior to September 5, 2006.

8. Opposer's date of first use of the mark MENOPUR in the U.S. is prior to Applicant's first use of MÖPURE in the U.S.

9. Opposer has expended considerable sums of money in advertising, using, promoting and developing public awareness for its mark and goods provided under the mark MENOPUR. As a result of such expenditure and efforts and its pharmaceutical products being of consistently high quality, Opposer's mark MENOPUR has earned valuable and extensive

goodwill and favorable reputation among the relevant trade and public as symbols which distinguish Opposer's goods as the source of quality pharmaceutical products.

10. Applicant's mark MÖPURE is confusingly similar Opposer's trademark MENOPUR and is likely, when used in conjunction with the goods in Class 5 identified in Applicant's application, to cause confusion or to cause mistake or to cause deception.

11. Applicant's goods in Class 5 as set forth in its application are closely related to Opposer's goods and would be offered through the same or similar channels of trade, and used by one or more of the same classes of purchasers and users, such that consumers will be confused, mistaken or deceived into believing that Applicant's goods in Class 5 originate from, are authorized by or are in some way connected with Opposer.

12. Opposer will be damaged by registration of the MÖPURE mark in Class 5 shown in Application No. 77/006,419.

WHEREFORE, Opposer, Ferring B.V., prays that this Opposition be sustained and that registration be refused for Class 5 for Application Serial No. 77/006,419.

A check in the amount of \$300.00 is enclosed to cover the fee for opposing the proposed trademark in one class. If this check is missing or deficient, please charge any fees due to our Deposit Account No. 15-0508.


Opposer is not opposing Classes 29, 30, 32 or 33 in Application No. 77/006,419.

Respectfully submitted,

FERRING B.V.

Date: September 17, 2008

By: _____


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CERTIFICATE OF MAILING

I hereby certify that the foregoing **NOTICE OF OPPOSITION** and **requisite fee** are being deposited with the United States Postal Service on the date shown below with sufficient postage prepaid as First Class Mail in an envelope addressed to:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

on this 17th day of September, 2008.



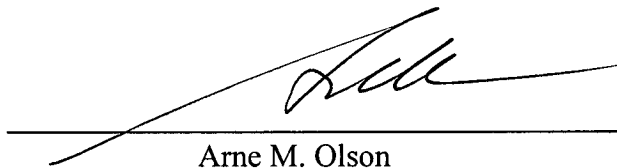
Arne M. Olson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** is being served via the United States Postal Service on the date shown below with sufficient postage prepaid as First Class Mail in envelopes addressed to:

Ms. Paulette R. Carey
Buchman Law Firm, L.L.P.
510 Thornall St. Ste. 200
Edison, NJ 08837-2204

on this 17th day of September, 2008.



Arne M. Olson